REMARKS

Claims 4-7, 16, 22 and 26-30 are currently pending in the present application, with Claims 4-7, 16, 22, and 30 being amended. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claims 4-7, 16, 22, 26, 27, 29, and 30 under 35 U.S.C. 102(b) as being anticipated by "Sonic Foundry ACID (Win)," *Electronic Musician* (Nov. 98), vol. 14, issue 11, p. 140 (hereinafter 'ACID"). This rejection is respectfully traversed with respect to the amended claims.

As previously communicated, the present invention is directed to a method, apparatus, and computer-readable media containing a computer program for editing music. Specifically, in an environment where music may be generated by performance data, the music to be edited is illustrated graphically via individual layers that are each assigned to different articulations. Specific articulations may be added to the musical performance via the attachment of a graphical execution icon, which represents specific execution-related data for assigning articulation to musical tones. The claims have been further amended to clarify that the individual layers are displayed in a parallel fashion and in a predetermined order, which may be rearranged in response to user instruction. The claims have also been further amended to clarify that the execution icons are graphical icons that may be graphically attached to the individual layers.

ACID does not contain any disclosure or suggestion of displaying plural layers of different articulation for displaying note information based on performance data, or that execution icons representative of articulation-related execution data may be graphically attached to each of the

layers, or that the layers are displayed in accordance with a predetermined display order that may be rearranged in response to an instruction.

Rather, ACID is directed to a sequencing program for arranging a musical tone via aligning audio loops on tracks via drag-drop operations. In particular, audio loops are subjected to expansion and/or modulation in order to match a tempo and key of the music tone that is composed on the tracks (*see* p. 2, lines 11-12). ACID characterizes the audio loop as a type of event (*see* p. 2, lines 30-32), and that an envelope is set to each event so as to dynamically control the volume, pan, or effect-send level. ACID discloses that, when a user effects a right click on a mouse in relation to an event (e.g., an audio loop), a pop-up menu is displayed, in which the user can select a desired type of envelope. The envelop can be adjusted via the mouse, and the user can apply a desired number of envelope points via double click actions (*see* p. 4, lines 36-40).

The envelopes in ACID do not correspond to the layers as recited in the pending claims. First, the present invention as recited in the claims causes a display of plural layers that are displayed in a parallel manner in accordance with a predetermined display order, wherein each layer can contain note information representative of performance data, wherein execution icons may be graphically attached to the layers, and that the order in which the layers are displayed may be rearranged. In this regard, the "layers" as recited in the claims of the present invention are clearly different from the "envelopes" as described in ACID. Applicants further note that the "envelope points" of ACID do not anticipate or make obvious the "execution icons" as recited in the claims. Specifically, the execution icons as recited in the claims represent execution-related data that related to articulation of a musical tone. The envelope points in ACID, on the other hand, are simply tools to control parameters associated with the envelope, and do not related to articulation of a musical

tone. In view of the above, Applicants respectfully submit that the pending claims are not anticipated by, nor obvious in view of, ACID.

In view of the above, Applicants respectfully submit that this application is in condition for allowance. If the Examiner feels that it would advance the prosecution of the application, it is respectfully requested that the Examiner telephone the undersigned attorney.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032019711. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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